



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members:

Ron Menor, Chair
Carol Fukunaga, Vice-Chair
Ikaika Anderson
Brandon J.C. Elefante
Ann H. Kobayashi
Joey Manahan
Ernest Y. Martin
Trevor Ozawa
Kymberly Marcos Pine

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
TUESDAY, APRIL 4, 2017
1:00 P.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 1:00 p.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out a registration form in person; or
- d. By calling 768-3818.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker is limited to one-minute presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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Accommodations are available upon request to persons with disabilities, please call 768-3818 or send an email to gmurayama@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through <http://olelo.granicus.com/MediaPlayer.php?publish id=92>; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR APPROVAL

MINUTES OF THE MARCH 7, 2017 COMMITTEE ON EXECUTIVE
MATTERS AND LEGAL AFFAIRS MEETING

FOR ACTION

1. **RESOLUTION 17-78 – APPOINTMENT OF DAVID B. MONK TO THE ETHICS COMMISSION.** Confirming the appointment of David B. Monk to serve on the Ethics Commission of the City and County of Honolulu for a term expiring on December 31, 2021. (Transmitted by Communication [MM-30](#); public hearing held 3/22/17)
2. **RESOLUTION 17-80 – APPOINTMENT OF DUANE R. MIYASHIRO TO THE LIQUOR COMMISSION.** Confirming the appointment of Duane R. Miyashiro to serve on the Liquor Commission of the City and County of Honolulu for a partial term expiring on December 31, 2017. (Transmitted by Communication [MM-31](#); public hearing held 3/22/17)
3. **RESOLUTION 17-87 – APPOINTMENTS AND NOMINATIONS FOR THE HAWAII STATE ASSOCIATION OF COUNTIES.** Approving Councilmember Ikaika Anderson as the Council of the City and County of Honolulu's designee to serve as an officer of the HSAC Executive Committee during fiscal years 2017-2018 and Councilmember Joey Manahan as Councilmember Ikaika Anderson's alternate.
4. **RESOLUTION 17-50 – COUNCIL'S COMMITMENT TO UPHOLD HONOLULU AS A HAVEN OF ALOHA.** Expressing the Council of the City and County of Honolulu's steadfast commitment to uphold Honolulu as a Haven of Aloha.

PROPOSED CD1 TO RESOLUTION 17-50 (Submitted by Councilmember Fukunaga) – The CD1 (OCS2017-0342/3/29/2017 10:50 AM) makes the following amendments:

- A. Adds a 9th WHEREAS clause to read as follows:

WHEREAS, the council expresses its strong support for the State of Hawaii's challenge to sections 2 and 6 of the March 6, 2017 Executive Order signed by the President of the United States as being contrary to the Constitution and the laws of the United States, and in seeking injunctive relief to protect the rights of Hawaii citizens and immigrants to travel freely to and from Hawaii; and

- B. Adds a 10th WHEREAS clause to read as follows:

WHEREAS, a total of 28 cities and counties, including Chicago, New York City, Los Angeles, Philadelphia and Boston, joined by Honolulu, Austin, Carrboro, Central Falls, Cook County, Gary, Iowa City, Ithaca, Jersey City, Madison, Minneapolis, Montgomery County (MD), Oakland, Portland, St. Louis, St. Paul, San Francisco, Santa Clara County, Seattle, Skokie, South Bend, West Hollywood and Providence, have filed friend-of-the-court briefs in support of the State of Hawaii and a doctor of Egyptian descent in the United States District Court for the District of Hawaii, where they have presented the local government position, explaining the vital contribution made by immigrants to our cities and country, pointing out that classifications based on religion and national origin are presumptively invalid; and

- C. Adds a BE IT FURTHER RESOLVED clause to read as follows:

BE IT FURTHER RESOLVED that the Council urges all Hawaii counties to support the State of Hawaii's efforts to protect its economy, its educational and higher educational programs, its recruitment of international talent, and pursuit of economic and culturally-diverse opportunities in today's globally competitive environment;

- D. Amends the BE IT FINALLY RESOLVED clause to include transmittal of the Resolution to the Mayors of Kauai County, Hawaii County and Maui County;

- E. Makes miscellaneous technical and nonsubstantive amendments.

5. **BILL 13 (2017), CD1 – PUBLIC SIDEWALKS.** Amending the law relating to sitting or lying on public sidewalks in areas zoned for commercial and business activities to include certain sidewalks in Kalihi and Iwilei. (Bill 13, CD1 passed second reading and public hearing held 3/22/17)
6. **BILL 20 (2017) – PUBLIC SIDEWALKS.** Expanding the commercial areas subject to the City's current restrictions on persons sitting or lying on public sidewalks in certain areas. (Bill 20 passed first reading 2/22/17)

PROPOSED CD1 TO BILL 20 (2017) (Submitted by Councilmember Kobayashi) – The CD1 (OCS2017-0346/3/29/2017 1:36 PM) makes the following amendments:

- A. Replaces the incomplete version of Exhibit 6-A attached to the bill with a complete version of Exhibit 6-A.
- B. Makes miscellaneous technical and nonsubstantive amendments.

EXECUTIVE SESSION

The Committee anticipates going into Executive Session pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult in a closed meeting with the attorneys for the Council Executive Matters and Legal Affairs Committee on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

7. Resolution to request additional funds for contract No. SC-COR-1700021 to continue the services of Kobayashi, Sugita, & Goda LLP as Special Counsel for the City and County of Honolulu to represent Defendant Letha A.S. DeCaires in a legal action entitled, Kealoha, et al. v. Totto, et al., Civil No. 16-1-1166-6 GWBC.
8. Resolution to request additional funds for contract No. SC-COR-1700022 to continue the services of Chong, Nishimoto, Sia, Nakamura, & Goya LLP as Special Counsel for the City and County of Honolulu to represent Defendants Honolulu Ethics Commission and the City and County of Honolulu in a legal action entitled, Kealoha, et al. v. Totto, et al., Civil No. 16-1-1166-6 GWBC.
9. Resolution to request additional funds for contract No. SC-COR-1700023 to continue the services of Cox Fricke LLP as Special Counsel for the City and County of Honolulu to represent Defendant Charles W. Totto in a legal action entitled, Kealoha, et al. v. Totto, et al., Civil No. 16-1-1166-6 GWBC.
10. To request authorization to settle a claim made by Hawaiian Telcom, Inc. against the City and County of Honolulu.

RON MENOR, Chair
Committee on Executive Matters and
Legal Affairs